

## **REMARKS/ARGUMENTS**

### **STATUS OF THE CLAIMS**

Applicants have amended Claims 1, 3, 22 and 31. Applicants have cancelled Claims 2 and 30. Applicants have added new Claims 42-47. Applicants present the following remarks in the order of the numbered paragraphs of the Office Action, rather than in the order of the claims. Applicants respectfully request reconsideration of pending Claims 1, 3-29, and 31-47.

### **CLAIM REJECTION – 35 U.S.C. § 102**

#### **Independent Claim 1**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 2,189,008 issued to Kurth (hereinafter “Kurth”).

Amended Claim 1 specifies “a flange substantially continuously coupled to the portion of the lamp housing extending outside of the main housing, the flange substantially continuously engaging the surface of the structure.”

Kurth discloses a ventilating device for a telephone booth. The ventilating device includes a hollow flaring member 16 connected to an outer casing 1 and engaging a surface of a structure 2. Kurth also discloses that fresh air moves through a chamber 5 and exits the outer casing 1, while used air enters an inner casing 4. Kurth further discloses that the inner casing 4 projects both below and above the outer casing 1.

If the outer casing 1, the inner casing 4, and the hollow flaring member 16 of Kurth correspond to the “main housing,” the “lamp housing,” and the “flange” of Claim 1, respectively, the hollow flaring member 16 is not substantially continuously coupled to the inner casing 4 and does not substantially continuously engage the structure 2. If the hollow flange member 16 were substantially continuously coupled to the inner casing 4 and did substantially continuously engage the structure 2, fresh air would be prevented from passing through chamber 5 into the telephone booth.

Accordingly, Kurth does not disclose “a flange substantially continuously coupled to the portion of the lamp housing extending outside of the main housing, the flange substantially continuously engaging the surface of the structure,” as required by Claim 1. Therefore, independent Claim 1 and dependent Claims 3-10 are allowable.

Dependent Claims 3-4 and 7-10

Claims 3-4 and 7-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kurth. Claims 3-4 and 7-10 depend from independent Claim 1 and are therefore allowable for the reasons set forth above with respect to Claim 1. Claims 3-4 and 7-10 include additional patentable subject matter not specifically discussed herein.

Independent Claim 11

Claim 11 stands rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,692,977 issued to Duhamel et al. (hereinafter “Duhamel”).

Claim 11 specifies “positioning the lamp housing within the main housing to define a recessed lamp housing, the lamp housing having a portion extending outside of the main housing.”

Duhamel discloses a heating and ventilating unit containing “an ornamental cover panel having two circular apertures slightly larger in diameter than the lamp faces, one opening for each infra-red lamp” and “a reflective metal cover panel for the ceiling installation of the unit, having circular apertures through which the infra-red lamp faces project.” (Col. 1, lines 14-17 and 62-65.) Duhamel also discloses a housing 10 and a cover plate 14, which is separate and attached to the casing by means of a spring 15. (Col. 4, lines 39-44.) Duhamel further discloses a metal heat radiation shield 28 and vanes 32 to reflect radiant heat outwardly.

If the cover plate 14 of Duhamel is the “lamp housing” of Claim 11 and the housing 10 of Duhamel is the “main housing” of Claim 11, the cover plate 14 is not positioned within the housing 10 to define a recessed lamp housing, as required by Claim 11.

In addition, positioning the cover plate 14 within the housing 10 would be undesirable as it would impair the reflection of radiant heat by the heat radiation shield 28 and vanes 32.

Accordingly, Duhamel does not disclose “positioning the lamp housing within the main housing to define a recessed lamp housing, the lamp housing having a portion extending outside of the main housing,” as required by Claim 11. Therefore, independent Claim 11 and dependent Claims 12-21 are allowable.

#### Dependent Claims 12-20

Claims 12-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Duhamel. Claims 12-20 depend from independent Claim 11 and are therefore allowable for the reasons set forth above with respect to Claim 11. Claims 12-20 include additional patentable subject matter not specifically discussed herein.

#### Independent Claim 22

Claim 22 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Kurth.

Amended Claim 22 specifies “a flange substantially continuously engaging the mounting surface and substantially continuously coupled to the portion of the lamp housing that extends beyond the first aperture of the main housing.”

Kurth discloses a ventilating device for a telephone booth. The ventilating device includes a hollow flaring member 16 connected to an outer casing 1 and engaging a surface of a structure 2. Kurth also discloses that fresh air moves through a chamber 5 and exits the outer casing 1, while used air enters an inner casing 4. Kurth further discloses that the inner casing 4 projects both below and above the outer casing 1.

If the outer casing 1, the inner casing 4, and the hollow flaring member 16 of Kurth correspond to the “main housing,” the “lamp housing,” and the “flange” of Claim 1, respectively, the hollow flaring member 16 is not substantially continuously coupled to the inner casing 4 and does not substantially continuously engage the structure 2. If the hollow flange member 16 were

substantially continuously coupled to the inner casing 4 and did substantially continuously engage the structure 2, fresh air would be prevented from passing through chamber 5 into the telephone booth.

Accordingly, Kurth does not disclose “a flange substantially continuously coupled to the portion of the lamp housing extending outside of the main housing, the flange substantially continuously engaging the surface of the structure,” as required by Claim 1. Therefore, independent Claim 22 and dependent Claims 23-29 and 31 are allowable.

Dependent Claims 23-29 and 31

Claims 23-29 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kurth. Claims 23-29 and 31 depend from independent Claim 22 and are therefore allowable for the reasons set forth above with respect to Claim 22. Claims 23-29 and 31 include additional patentable subject matter not specifically discussed herein.

Independent Claim 32

Claim 32 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Duhamel.

Claim 32 specifies “positioning the lamp housing within the main housing such that a portion of the lamp housing extends outside of the main housing.”

Duhamel discloses a heating and ventilating unit containing “an ornamental cover panel having two circular apertures slightly larger in diameter than the lamp faces, one opening for each infra-red lamp” and “a reflective metal cover panel for the ceiling installation of the unit, having circular apertures through which the infra-red lamp faces project.” (Col. 1, lines 14-17 and 62-65.) Duhamel also discloses a housing 10 and a cover plate 14, which is separate and attached to the casing by means of a spring 15. (Col. 4, lines 39-44.) Duhamel further discloses a metal heat radiation shield 28 and vanes 32 to reflect radiant heat outwardly.

If the cover plate 14 of Duhamel is the “lamp housing” of Claim 32 and the housing 10 of Duhamel is the “main housing” of Claim 32, the cover plate 14 is not positioned within the housing 10 to define a recessed lamp housing, as required by Claim 32.

In addition, positioning the cover plate 14 within the housing 10 would be undesirable as it would impair the reflection of radiant heat by the heat radiation shield 28 and vanes 32.

Accordingly, Duhamel does not disclose “positioning the lamp housing within the main housing to define a recessed lamp housing, the lamp housing having a portion extending outside of the main housing,” as required by Claim 32. Therefore, independent Claim 32 and dependent Claims 33-41 are allowable.

#### Dependent Claims 33-39 and 41

Claims 33-39 and 41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Duhamel. Claims 33-39 and 41 depend from independent Claim 32 and are therefore allowable for the reasons set forth above with respect to Claim 32. Claims 33-39 and 41 include additional patentable subject matter not specifically discussed herein.

#### CLAIM REJECTION – 35 U.S.C. § 103

##### Dependent Claims 5-6

Claims 5-6 stand rejected under U.S.C. § 103(a) as being unpatentable over Kurth. Claims 5-6 depend from independent Claim 1 and are therefore allowable for the reasons set forth above with respect to Claim 1. Claims 5-6 include additional patentable subject matter not specifically discussed herein.

##### Dependent Claim 21

Claim 21 stands rejected under U.S.C. § 103(a) as being unpatentable over Duhamel. Claim 21 depends from independent Claim 11 and is therefore allowable for the reasons set forth above with respect to Claim 11. Claim 21 includes additional patentable subject matter not specifically discussed herein.

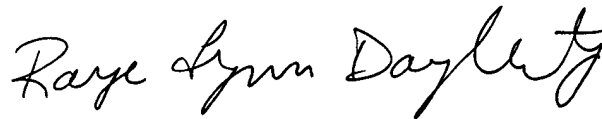
Dependent Claim 40

Claim 40 stands rejected under U.S.C. § 103(a) as being unpatentable over Duhamel. Claim 40 depends from independent Claim 32 and is therefore allowable for the reasons set forth above with respect to Claim 32. Claim 40 includes additional patentable subject matter not specifically discussed herein.

CONCLUSION

In light of the above, Applicants respectfully request reconsideration and allowance of pending Claims 1, 3-29, and 21-47.

Respectfully submitted,

A handwritten signature in cursive script that reads "Raye Lynn Daugherty".

Raye L. Daugherty  
Reg. No. 47,933

Docket No. 018695-9318  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560